

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.24-20245-CR-MD

UNITED STATES OF AMERICA

v.

OMAR CABRERA HERNANDEZ,

Defendant.

FACTUAL PROFFER

The Government and Defendant OMAR CABRERA HERNANDEZ agree that had this case gone to trial, the Government would have proved the following facts beyond a reasonable doubt, and that these facts are true and correct and establish Defendant's guilt of the offense to which he has been charged, namely, conspiracy to offer and pay health care kickbacks.

Beginning at least in or around July 2018, and continuing through in or around February 2021, Defendant OMAR CABRERA HERNANDEZ conspired to offer and pay illegal health care kickbacks, ~~that is, he conspired with others, including Co-Conspirator 1 and Co-Conspirator 2, to knowingly and willfully offer and pay remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, in return for referring an individual to a person for the furnishing of any item and service for which payment may be made in whole and in part under a Federal health care program, that is, Medicaid.~~ TJA UC

More specifically, on or about the dates mentioned above, OMAR CABRERA HERNANDEZ was part of a conspiracy to pay Medicaid beneficiaries approximately \$400-\$600 per month in exchange for them receiving psychosocial rehabilitation services (PSR) at Advanced Community Wellness, Inc. ("Advanced Community"), a community mental health clinic located at

20 West 49<sup>th</sup> Street, Hialeah, Florida 33012. Co-Conspirator 1 was the true owner of Advanced Community who controlled the money and Co-Conspirator 2 was the nominee owner. Co-Conspirator 1 directed HERNANDEZ to administer the daily operations of Advanced Community and, on some occasions, to pay illegal kickbacks to patients. Co-Conspirator 1 gave approximately \$600,000 to HERNANDEZ via checks to use a portion to pay kickbacks. Co-Conspirator 1 agreed to pay patients between \$400-\$600 each month for attending psychosocial rehabilitation services at Advanced Community. Advanced Community had 70-80 patients. HERNANDEZ admitted to personally paying kickbacks to patients 5-6 times. HERNANDEZ also told law enforcement that he observed Co-Conspirator 1 paying illegal kickbacks to patients on several occasions. Specifically, Co-Conspirator 1 would pay patients directly in the office of his other clinic or sometimes he would deliver cash in envelopes to HERNANDEZ and other co-conspirators in order for them to pay patients.

Bank records show that between July 2018 and September 2020, HERNANDEZ and his family members received a total of approximately \$1,001,592 from Advanced Community, Co-Conspirator 1, or Conspirator 1's companies. HERNANDEZ personally received \$603,369. Between December 21, 2018 and July 30, 2020, HERNANDEZ's family received at least \$398,223 from Conspirator 1 or Conspirator 1's companies.

HERNANDEZ retained 30% of this which would be approximately \$300,477. He returned 30% to Co-Conspirator 1. The remaining 400,597 (40%) was used to pay patients in cash to receive treatment at Co-Conspirator 1's clinics including Advanced Community.

There were 83 transactions from Advanced Community to HERNANDEZ which were mostly checks ranging from approximately \$2,000 to \$8,000. For example, Co-Conspirator 1 issued Check No. 1039 to HERNANDEZ from Advanced Community's Wells Fargo account

ending 9541 for \$8,000 which was cashed on or about January 24, 2019. In addition, Check No. 1195 for \$8,000 from the same account on or about May 1, 2019. In addition, Check No. 1074 from the Advanced Community BB&T account ending 7391 for \$7,000 from the same account on or about August 20, 2020.

Between May 14, 2018 and September, 2020, Advanced Community submitted claims for mental health services, including PSR services, and was paid approximately \$3,503,260.<sup>1</sup>

The parties agree that the improper benefit conferred is approximately \$400,597. This is based on the kickbacks offered and paid by OMAR CABRERA HERNANDEZ and his co-conspirators to induce Medicaid patients to receive treatment at Advanced Community. Ultimately, Advanced Community billed Medicaid and received \$3.5 million.

A licensed therapist that worked at Advanced Community could testify that Co-Conspirator 1 was the true owner of Advanced Community and that Co-Conspirator 2 was only the nominee owner listed on the enrollment paperwork with Medicaid. A medical doctor who was listed as the supervising physician in the enrollment paperwork with Medicaid told law enforcement that he never agreed to be associated with Advanced Community and that he was not the supervising physician. In addition, multiple Medicaid patients of Advanced Community would be willing to testify that they were paid by Co-Conspirator 1 to attend treatment at that clinic.

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<sup>1</sup> In September 2020, AHCA placed Advanced Community on a pre-payment review because AHCA observed irregularities in the billing.

The foregoing facts do not describe all the details of the scheme, all of the Government's evidence, or Defendant's complete knowledge of the scheme, but are offered for the limited purpose of establishing a sufficient factual basis to support Defendant's plea of guilty to the conspiracy to offer and pay healthcare kickbacks.

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

Date: 8/20/2024

By:

  
TIMOTHY J. ABRAHAM  
ASSISTANT UNITED STATES ATTORNEY

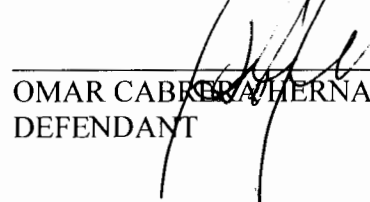
Date: 8/20/24

By:

  
JUAN GONZALEZ  
ATTORNEY FOR THE DEFENDANT

Date: 8/20/24

By:

  
OMAR CABRERA HERNANDEZ  
DEFENDANT